

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES OF AMERICA	)	
	)	Case No. 21 CR 87
	)	
v.	)	Judge Sharon Johnson Coleman
	)	
CHRISTOPHER PORTER	)	

**DEFENDANT PORTER’S MOTION *IN LIMINE* No. 5**

Defendant, CHRISTOPHER PORTER, by and through his attorney, Gregory T. Mitchell, and pursuant to the Federal Rules of Evidence, respectfully moves this Court, *in limine* to bar the admission and presentation of Government Exhibit 301C, (“Clip\_3”), pursuant to F.R.E. 403, because of unfair prejudice, needlessly cumulative and unfairly prejudicial, because this video clip is being offered solely by the government to inflame the passions and emotions of the jury to prevent a fair assessment and evaluation of the circumstantial evidence which the government will offer in attempt to convince the jury that defendant Christopher Porter is the bank robber depicted in the video recording. Pursuant to Rule 403, “the court may exclude relevant evidence if its probative value is substantially outweighed by the danger of one or more of the following: unfair prejudice, confusing the issue, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” Fed. R. Evid. 403. See *United States. v. Waldemer*, 50 F.3d 1379, 1384 (7th Cir. 1995) (arguments that serve no purpose other than to inflame the passions and prejudices of the jury are improper); see also, *US ex rel. Gonzalez v. DeTella*, 918 F. Supp. 1214, 1220 (N.D. Ill. 1996) ( “where the photographs 'serve only to inflame the passions of the jury,' their prejudicial effect outweighs their probative value and admission is improper.”)

Respectfully Submitted,

Gregory T. Mitchell

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**CERTIFICATE OF SERVICE**

I, Gregory T. Mitchell, an attorney licensed to practice before the Federal Bar, do certify that I caused copies of the attached pretrial motions:

**DEFENDANT PORTER'S MOTION *IN LIMINE* No. 5**

to be served electronically on the below listed party pursuant to Fed.R.Crim.P. 49, and L.R. 5.2 and the General Order on Electronic Filing of the United States District Court for the Northern District of Illinois, Eastern Division.

Thomas Peabody  
Assistant U.S. Attorney  
U.S. Attorney's Office, Northern District of Illinois  
219 South Dearborn Street, 5<sup>th</sup> Floor  
Chicago, Illinois 60604

on this 25<sup>th</sup> day of May 2022

/s/Gregory T. Mitchell  
Gregory T. Mitchell